



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

House: JUD DP 5-2-1-0

HB 2427: domestic violence; pregnant victim; sentencing

Sponsor: Representative Gress, LD 4

House Engrossed

Overview

Imposes criminal liability for aggravated assault if the person commits assault knowing or having reason to know that the victim is pregnant and the assault constitutes a domestic violence offense. Makes changes to sentencing provisions for domestic violence offenses against pregnant victims.

History

A person is criminally liable for assault if the person:

- 1) Intentionally, knowingly or recklessly causes physical injury to another person, which is a class 1 misdemeanor if committed intentionally or knowingly and a class 2 misdemeanor if committed recklessly;
- 2) Intentionally places another person in reasonable apprehension of imminent physical injury, which is a class 2 misdemeanor; or
- 3) Knowingly touches another person with the intent to injure, insult or provoke the person, which is a class 3 misdemeanor ([A.R.S. § 13-1203](#)).

A person commits aggravated assault by committing assault under one of many distinguishing circumstances. For example, a person commits aggravated assault by committing assault using a deadly weapon, or while the victim is bound or physically restrained. An assault can also become aggravated assault if perpetrated against a certain type of professional, such as a peace officer, firefighter or health care worker. Aggravated assault can range from a class 2 felony to a class 5 felony depending on the circumstances ([A.R.S. § 13-1204](#)).

Numerous offenses, including aggravated assault, can constitute domestic violence if one of many circumstances exist. For example, aggravated assault can constitute domestic violence if the victim and the defendant are married or have a child in common. An offense that is included in domestic violence generally carries the same sentencing classification prescribed in the original statutory section classifying the offense. However, if a person is convicted of a domestic violence offense knowing the victim was pregnant at the time of the offense, the court is required to take this into account and is permitted to increase the sentence. If a person commits a felony domestic violence offense or other felony offense causing physical injury knowing that the victim is pregnant, the maximum sentence otherwise allowed for the offense is increased by up to two years ([A.R.S. § 13-3601](#)).

Provisions

1. Makes a person criminally liable for class 3 felony aggravated assault if the person intentionally, knowingly or recklessly causes physical injury while knowing or having reason to know that the victim is pregnant and the assault meets any of the statutory criteria for domestic violence. (Sec. 1)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

2. Increases from two to five years the amount of time that the maximum sentence can be increased for a person convicted of a felony domestic violence offense against a pregnant victim or a felony offense causing physical injury to a pregnant victim. (Sec. 2)
3. Makes a conforming change. (Sec. 1)